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7
8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

9 JOHN DEL GALLEGOS,

10 Plaintiff,

11 v.

12 WELLS FARGO & COMPANY LONG TERM
13 DISABILITY PLAN, and METROPOLITAN
LIFE INSURANCE COMPANY,

14 Defendant.

15 Case No. C13-4518 VC

16 FOURTH STIPULATION TO MODIFY
BRIEFING SCHEDULE FOR CROSS-
MOTIONS FOR JUDGMENT AND
~~[PROPOSED]~~ ORDER AS MODIFIED

17 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff John Del
18 Gallego and defendants Wells Fargo & Company LTD Disability Plan and Metropolitan Life
19 Insurance Company (“defendants”), by and through their respective counsel of record, as
follows:

20 1. On May 15, 2014, this Court issued its Joint Case Management Statement &
21 Order (ECF No. 17) specifying that cross-motions for judgment under Rule 52 were to be filed
22 on September 15, 2014, with oppositions and replies to be filed according to the timetable set by
23 the Local Rules of Court. A half day-bench trial/hearing was to be set at the Court’s
convenience.

24 2. The parties have twice stipulated to the issuance of orders postponing the date for
25 filing the cross-motions (ECF Nos. 18 and 20), and the court has twice issued orders which
26 postponed the filing date until September 22, 2014 (ECF No. 19) and, most recently, until

1 October 6, 2014 (ECF No. 21). On October 6, 2014, the parties submitted a third stipulation to
 2 modify the briefing schedule (ECF No. 22). However, on October 10, 2014 the courtroom
 3 deputy notified the parties that the stipulation was not in the form specified Judge Chhabria's
 4 Standing Orders regarding cross motions for summary judgment, and asked the parties to file an
 5 amended stipulation. This is that amended stipulation.

6 3. Under the Court's Order dated September 24, 2014 (ECF No. 21) the current
 7 briefing and hearing schedule is as follows:

Cross-motions due:	October 6, 2014
Oppositions to cross-motions due:	October 20, 2014
Replies to oppositions due:	November 3, 2014
Half-day bench trial/hearing	November 20, 2014

12 4. At this time, the parties desire a further extension of the briefing and hearing
 13 schedule. The reason for this request is that plaintiff has asked defendants to produce additional
 14 documents prior to the filing of the cross-motions. Defendants provided plaintiff with requested
 15 documents from 2005, but plaintiff has requested additional documents from 2005 as well as
 16 documents from 2012. While defendants do not agree that the 2012 documents are relevant,
 17 defendants have agreed to produce them. Having additional time to file the cross motions will
 18 allow for the production of additional documents and the orderly preparation of the motions. The
 19 parties hereby stipulate to, and request that the court order, the following further revised briefing
 20 and hearing schedule:

Plaintiff's opening brief due:	October 20, 2014
MetLife's opening/opposition brief due:	October 27, 2014
Plaintiff's opposition/reply brief due:	November 3, 2014
MetLife's reply brief due:	November 10, 2014
Half-day bench trial/hearing:	November 20, 2014, or at the Court's convenience, but not between November 24, 2014 and December 5, 2014.

December 10, 2014 at 10a.m.

IT IS SO STIPULATED.

DATED: October 13, 2014 **LAW OFFICES OF LAURENCE F. PADWAY**

By: /s/ Laurence F. Padway (as authorized on 10/12/14)

Laurence F. Padway
Attorneys for Plaintiff
John Del Gallego

DATED: October 13, 2014 SEDGWICK LLP

By: /s/ *Mark J. Hancock*

Rebecca A. Hull
Mark J. Hancock
Attorneys for Defendants

ORDER

Upon the stipulation of the parties, IT IS SO ORDERED.

Date: October 24, 2014

